

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5074 OF 1989

Abdul Rahiman Hasan Raut... .. Petitioner.

Versus

Isak Alli Raut & Anr.... .. Respondents.

Mr. C. G.Gavanekar for the Petitioner.

Mr. P. M. Pradhan for Respondent No.1.

Mr. S. K.Chinchalikar, AGP for Respondent No.2.

CORAM : S. A. BOBDE, J.

DATED : 13TH JUNE, 2005.

P.C.:

Heard learned Counsel for the parties.

2. Admittedly, the impugned order is passed in favour of the Respondent in a second Revision Application under the Maharashtra Land Revenue Code. Such a revision itself is not tenable in view of the decision of the Division Bench of this Court in Letters Patent Appeal No.349 of 2000 (**Dhawalchand Balkrishna Doshi v/s Balkrishna Govardhan Doshi & Anr.**) dated 5th February, 2001. In the circumstances, the impugned order is set aside. The Respondent may take

appropriate steps against the order of the Commissioner as may be advised in law.

3. Rule made absolute in terms of prayer clause (a), which reads as under:

(a) That impugned order dated 29.4.89 passed by Learned Principal Secretary of Respondent No.2 in Revision No. RTS.4387/120/5267/L.6/CR.595/88/(A&R), be set aside; and order of learned Additional Commissioner, Konkan Division Bombay passed in RTS Appeal No. 53/86 dt. 19.12.86 be confirmed.

4. Writ Petition is, accordingly, disposed of.

(S. A. BOBDE, J.)